

Issued May 15, 1912.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 1362.

(Given pursuant to section 4 of the Food and Drugs Act.)

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### ADULTERATION AND MISBRANDING OF SWEET CIDER.

On July 21, 1911, the United States Attorney for the Eastern District of Missouri, acting upon a report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Tip Top Bottling Co., a corporation, St. Louis, Mo., alleging shipment by it, in violation of the Food and Drugs Act, on or about September 9, 1910, from the State of Missouri into the State of Illinois, of a quantity of sweet cider which was adulterated and misbranded. The product was labeled: "Sweet Cider. Product of concentrated pure apple juice preserved with 1-2000 part of benzoate of soda. Guaranteed under Pure Food and Drugs Act June 30, 1906—No. 9941. Mfd. by the Tip Top Bottling Co., 1424-32 N. Jefferson Av. St. Louis."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Color, natural; solids (grams per 100 cc), 9.58; benzoate of soda and saccharin together (grams per 100 cc), 0.052; saccharin, present; polarization direct, zero; polarization invert, 5° V.; alcohol, none; ash (grams per 100 cc), 0.23; soluble ash (grams per 100 cc), 0.20; insoluble ash (grams per 100 cc), 0.03; alkalinity of soluble ash (cc 10/N HCl), 16.5; alkalinity of insoluble ash (cc 10/N HCl), 5.0; reducing sugars invert (grams per 100 cc), 8.16; non sugar solids (grams per 100 cc), 1.42; total acidity as acetic (grams per 100 cc), 0.46; malic acid value (grams per 100 cc), 0.32; specific gravity at 15.6°, 1.0168. This case was certified to the United States Attorney by this Department because of the adulteration of the product in that a substance, to wit, imitation cider vinegar, prepared from evaporated apple juice and artificially sweetened with saccharin, had been substituted wholly or in part for the sweet cider; and further because of the misbranding of the product in that the statement "Sweet cider product of concentrated pure apple juice" borne on the label was false and misleading and calculated to deceive the purchaser into the belief that the product was a genuine sweet cider made from the juice of fresh apples when in fact it was an imitation sweet cider made from evaporated apples



and artificially sweetened with saccharin; and further because it was an imitation sweet cider prepared from evaporated apples artificially sweetened with saccharin and was offered for sale under the distinctive name of another article, to wit, sweet cider. No charge was made by this Department that the product contained an added deleterious ingredient, to wit, saccharin, which rendered such article injurious to health, for the reason that the use of saccharin in foods was then and still is being investigated by the Referee Board, which had made no report thereon at the time this case was reported. The United States Attorney, nevertheless, alleged in the information adulteration and misbranding as follows: "Adulteration in this, to wit: That the said product was not sweet cider, and was not the product of concentrated pure apple juice, but on the contrary thereof was an imitation of cider prepared from evaporated apple juice, and artificially sweetened with saccharin; and said imitation of cider has been and was substituted wholly, or in a large part, for the article described on said label, to wit, sweet cider; and that said product and substance was further adulterated in this, to wit, that another substance, to wit, saccharin, had been mixed with said product in a manner whereby its inferiority was and is concealed; and that said product was further adulterated in this, that it contained an added deleterious ingredient, to wit, saccharin, which rendered such article injurious to health. Misbranding in this, to wit, that the statement contained in the said label on said bottle, to wit, 'Sweet Cider. Product of concentrated Pure Apple Juice', is false and misleading because it deceives and would deceive purchasers of said product into the belief that said product was and is genuine sweet cider, made from the juice of fresh apples, whereas in truth and in fact said product was and is an imitation of sweet cider made from evaporated apples and artificially sweetened with saccharin; and further that said product was and is misbranded in this, to wit, that it was and is an imitation of sweet cider prepared from evaporated apples and artificially sweetened with saccharin, and was offered for sale and was sold under the distinctive name of another article, to wit, sweet cider; and further, that said article and product was misbranded in this, that the said bottle and the said label thereon bore a statement regarding said article contained in said bottle, which was false and misleading in this, to wit, that the product contained in said bottle was not sweet cider as stated in said label.

On November 15, 1911, the defendant pleaded guilty and was fined \$10 and costs.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *February 15, 1912.*